

FILED

2014 MAY 27 P 12:03

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U.S. DISTRICT COURT  
DISTRICT OF RHODE ISLAND

5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF RHODE ISLAND

7  
8 MICHAEL KESELICA, individually and as )  
9 shareholder of HEALTH MANAGEMENT )  
10 GROUP, INC., a Rhode Island corporation )  
11 and US MEDICAL HOME, INC., a )  
12 Delaware corporation, )  
13 Plaintiffs )

14 vs. )  
15 )  
16 SYED S. NAQVI, individually and as an )  
17 officer of Amroha Engineering, Inc., )  
18 AMROHA ENGINEERING, INC., a )  
19 California corporation, EJAZ NAQVI, )  
20 individually and as an officer of Alliance )  
21 Home Health Care, Inc., FARHANA )  
22 NAQVI, individually and as an officer of )  
23 Alliance Home Health Care, Inc., )  
24 ALLIANCE HOME HEALTH CARE, INC., )  
25 a California corporation. )  
26 Defendants )

C. A. NO. 14-00007-M-PAS

PLAINTIFF'S LEAVE TO WITHDRAW  
COMPLAINT WITHOUT PREJUDICE

27 Plaintiff Michael Keselica (hereinafter "Plaintiff"), pro se, hereby seeks leave of this  
28 Court to withdraw Plaintiff's complaint without prejudice, in the above captioned case and in  
29 support thereof states the following:

30 STATEMENT OF FACTS

31 1. On January 7, 2014, Plaintiff Michael Keselica, as a shareholder on behalf of Health  
32 Management Group, Inc. ("HMG") and US Medical Home, Inc. ("USMH"), filed a shareholder  
33 derivative lawsuit against Defendants for, among other torts, breach of the confidentiality agree-  
34  
35  
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1       ments in place and the resulting damages.

2       2.      On March 17, 2014, Defendants filed a Motion to Dismiss Plaintiff's complaint due to  
3       improper venue ("Motion to Dismiss").

4       3.      On April 3, 2014, Plaintiff responded to Defendants' Motion to Dismiss.

5       4.      On April 10, 2014, Defendants' Reply to Plaintiff's Response was filed by Defendants.

6       5.      On April 14, 2014, this Court provided Plaintiff Keselica thirty (30) days to secure  
7       counsel for USMH and HMG (the "Companies"), as Plaintiff's complaint, as written, bestows  
8       representation of USMH and HMG, by Plaintiff Keselica, as a shareholder of these two entities,  
9       a fact that this Court will not allow.

10      6.      On May 19, 2014, this Court granted Plaintiff an additional week to procure counsel on  
11       behalf of USMH and HMG.

13      13.     MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
14       WITHDRAWAL WITHOUT PREJUDICE

15      15.     Plaintiff filed a shareholder derivative to protect the rights of Plaintiff and Health  
16       Management Group, Inc. ("HMG") and US Medical Home, Inc. ("USMH") (the "Companies")  
17       and to seek redress for damages from the tortious conduct of Defendants against Plaintiff and the  
18       Companies. Plaintiff did so, pro se, pursuant to *Wilheim v. Murchison*, 206 F. Supp. 733  
19       (S.D.N.Y.)<sup>[1]</sup>, as the Companies were in revoked status and were without funds to protect  
20       themselves and assert their rights in court.

21      21.     Plaintiff respectfully requests leave of this Court to withdraw, without prejudice,  
22       Plaintiff's complaint in C.A. No. 13-735-M, as Plaintiff cannot meet this Court's deadline to  
23       procure counsel on behalf of HMG and USMH, despite the diligent efforts of Plaintiff Keselica.

25      25.     [1] In this case, in the context of "the unique nature of a derivative stockholder action," the court held that a shareholder of a  
26       corporation was allowed to bring a shareholder derivative action pro se.

1 Plaintiff was recently referred by Rhode Island Legal Services to the Rhode Island Lawyer  
2 Referral Service but Plaintiff has yet been able to secure pro bono counsel. Plaintiff also  
3 contacted the ACLU of Rhode Island but has yet to hear back from the ACLU, as to whether or  
4 not they will represent Plaintiffs in this matter. Finally, Plaintiff could not afford the assistance of  
5 the Law Offices of Peter D'Amico, a law firm identified in Plaintiff's Motion for Extension of  
6 Time.

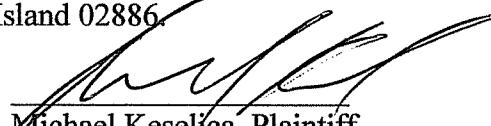
7 Defendants should not be prejudiced by Plaintiff's request to withdraw his complaint, but  
8 instead should be relieved, as Plaintiff not only demonstrated that the breaches of confidentiality  
9 did in fact occur in the State of Rhode Island but that Defendants lied to this Court regarding  
10 their lack of contact with the State of Rhode Island.

11 WHEREFORE, in the interest of justice and for good cause shown Plaintiff respectfully  
12 requests this Court to Grant Plaintiff's leave to withdraw his complaint without prejudice.

13  
14 By:   
15 Michael Keselica  
16 Plaintiff - Pro Se

17 **CERTIFICATE OF SERVICE**  
18

19 I HEREBY CERTIFY that on this 22nd day of May, 2014, a copy of the foregoing was  
20 mailed postage prepaid first class to Rajaram Suryanarayan, Esquire, Gunning & Lafazia, Inc.,  
21 33 College Hill Road, Suite 25B, Warwick, Rhode Island 02886.  
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23   
24 Michael Keselica, Plaintiff  
25 Pro Se  
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